

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:)
) Bky. Case No. 08-41984
Donald Andrew Driggs,)
) Chapter 11
Debtor,)

**OBJECTION OF ST. STEPHEN STATE BANK TO DEBTOR'S
PROPOSED DISCLOSURE STATEMENT**

St. Stephen State Bank, the holder of a secured claim with regard to the above captioned case, objects to the proposed Disclosure Statement propounded by the Debtor for the reasons set forth below.

St. Stephen State Bank objects to the proposed Disclosure Statement on the basis that it is materially misleading and that it mis-characterizes St. Stephen State Bank's claim by reflecting a claim treatment not available to the Debtor and therefore does not provide adequate information as required by 11 U.S.C. § 1125(a)(1).

St. Stephen State Bank is the holder of a mortgage in the original principal amount of \$150,000.00 which is secured by two properties, generally described by the Debtor and others as 3022 Hennepin Avenue (the Suburban World property) and the 4400 Derring Island property. St. Stephen State Bank's mortgage is the second mortgage on both of these properties.

The proposed Disclosure Statement describes a plan treatment for St. Stephen State Bank which is not confirmable in that it proposes to:

- a. Strip the Bank's mortgage from the Suburban World property in violation of the requirement of Section 1129(b)(2)(A) that the holder of a secured claim retain its lien securing such claim; and

b. Provides a payment stream and interest rate and amortization which is not fair and equitable as required by Section 1129(b)(2)(A)(i)(II).

Because the proposed Disclosure Statement would be misleading to a hypothetical investor as it relates to this claim, it does not meet the requirement of 11 U.S.C. § 1125(a)(1).

Dated: August 29, 2008

RINKE-NOONAN

By /e/ James L. Wiant
James L. Wiant- No. 116774
Attorney for St. Stephen State Bank
1015 West St. Germain St., Suite 300
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:) **UNSWORN DECLARATION FOR
Donald Andrew Driggs,) PROOF OF SERVICE
Debtors.) Bankruptcy No. 08-41984**

The undersigned, being an employee of Rinke-Noonan, attorneys licensed to practice law in this Court, with office address of 1015 West St. Germain, Suite 300, P.O. Box 1497, St. Cloud, MN 56302, declares that on the date below, I served an Objection of St. Stephen State Bank to Debtor's Proposed Disclosure Statement upon each of the following:

1. US Trustee;
2. Aurora Loan Services;
3. Coy & Associates;
4. Crown Bank;
5. CitiMortgage, Inc.;
6. Commerce Bank;
7. Donald Andrew Driggs;
8. Hinshaw & Culbertson, LLP
9. Home Federal Savings Bank;
10. JT & TJ Inc.;
11. Prime Mortgage Corporation;
12. Romer & Company PC;
13. State Bank of Delano;
14. Wachovia Mortgage, FSB; and
15. Wells Fargo Bank, N.A.

by e-mailing to each of them a copy thereof by filing the same electronically with the United States Bankruptcy Court District of Minnesota, addressed to each of them as stated above.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: August 29, 2008

/e/ James L. Wiant